

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

**ALBINS JEANS BAPTISTE
A# 095-387-105**

CIVIL ACTION NO. 2:11-cv-104

SECTION P

VS.

JUDGE TRIMBLE

ERIC H. HOLDER, JR., ET AL

MAGISTRATE JUDGE KAY

REPORT AND RECOMMENDATION

Currently before the court is a petition for writ of *habeas corpus* filed by *pro se* petitioner, Albins Jeans Baptiste, pursuant to 28 U.S.C. § 2241. When he filed his petition, Jeans Baptiste was in the custody of the Department of Homeland Security/Immigration Customs Enforcement (DHS/ICE). He was detained at the Oakdale Detention Center, Oakdale, Louisiana. This matter has been referred to the undersigned magistrate judge for review, report, and recommendation in accordance with 28 U.S.C. §636(b)(1)(B).

Petitioner filed this petition on January 11, 2011, seeking to have this court order his release from custody. Petitioner claimed that there was no significant likelihood of removal in the reasonably foreseeable future.

Petitioner's January 11, 2011, petition is the last correspondence sent to the court from petitioner. Information on the Federal Bureau of Prison's website establishes that the petitioner was released from post-removal-order detention custody on April 13, 2011. In light of this information, the court finds that his challenge to his detention is now moot and should be

dismissed.

Accordingly,

IT IS RECOMMENDED that the petition be **DENIED** and **DISMISSED** as moot.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have fourteen (14) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBTAINED TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

THUS DONE this 23rd day of May, 2011.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE